

Appln No. 10/718,478

Amdt date May 24, 2010

Reply to Office action of May 21, 2008

REMARKS/ARGUMENTS

In the Final rejection dated May 21, 2008, the Examiner rejected claims 1-4, 8, 10, 11, 13, 15 and 17 under 35 U.S.C. §102(b) as allegedly anticipated by Hamamoto, et al. (JP 11-329494), and in the March 29, 2010 Decision on Appeal, the Board of Patent Appeals and Interferences ("BPAI") affirmed the Examiner's rejection. However, in this amendment, Applicant has amended independent claims 1 and 9 to recite, in relevant portion, a sulfone based compound selected from the group consisting of methyl sulfone, phenyl sulfone, 4-fluorophenyl sulfone, benzyl sulfone, tetramethylene sulfone, butadiene sulfone, and mixtures thereof. Hamamoto fails to teach or suggest such a feature. Rather, Hamamoto appears to disclose only vinyl sulfone derivatives having the formula R-S(O)₂-CH=CH₂. As none of methyl sulfone, phenyl sulfone, 4-fluorophenyl sulfone, benzyl sulfone, tetramethylene sulfone, butadiene sulfone satisfy the formula disclosed in Hamamoto, independent claim 1, and all claims dependent therefrom, including claims 2-8 and 10, are allowable over Hamamoto.

Applicant has also amended independent claims 11 and 15 to recite, in relevant portion, a sulfone based organic compound selected from the group consisting of methyl sulfone, phenyl sulfone, 4-fluorophenyl sulfone, benzyl sulfone, tetramethylene sulfone, butadiene sulfone, compounds represented by Formula (I) (or Formulae (I), (II) and (III) in claim 15), and mixtures thereof, wherein R and R' are independently selected from the group consisting of primary alkyl groups, secondary alkyl groups, tertiary alkyl groups, aryl groups, halogen substituted primary alkyl groups, halogen substituted secondary alkyl groups, halogen substituted tertiary alkyl groups, halogen substituted alkenyl groups, and halogen substituted aryl groups. In particular, Applicant has excluded alkenyl groups from the Markush group for R and R'. As amended claims 11 and 15 include tetramethylene sulfone and butadiene sulfone in the Markush group for the sulfone based organic compound, these claims continue to read on the species elected in response to the Restriction Requirement dated November 2, 2006 (i.e., the sulfone compound of Formula (I) where R and/or R' is an alkenyl group). As Hamamoto fails to teach or suggest the

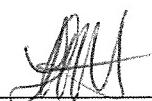
Appln No. 10/718,478
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recited sulfone based organic compounds, independent claims 11 and 15, and claims 12 and 16, which depend therefrom, are allowable over Hamamoto.

Claims 1-4, 8, 10, 11 and 15 remain pending in this application, with claims 5-7, 9, 12 and 16 withdrawn from consideration as being directed to a non-elected species, and claims 14 and 18 withdrawn from consideration as being directed to a non-elected invention. By this amendment, Applicant has amended claims 1, 11 and 15 to place the claims in condition for allowance, canceled claims 13 and 17, amended claims 2 and 3 to be consistent with the amendments to base claim 1, amended withdrawn claims 9, 14 and 18 to include all of the features of allowable elected claim 1, 11 or 15, and amended withdrawn claim 12 to correct a minor grammatical error. The amendments find full support in the original specification, claims and drawings, and no new matter is presented. In view of the above amendments and remarks, Applicant submits that all of pending claims 1-4, 8, 10, 11 and 15 are in condition for allowance. Applicant therefore respectfully requests reconsideration and a timely indication of allowance. As Applicant has amended withdrawn claims to include all of the features of allowable elected independent claim 1, 11 or 15, Applicant also respectfully requests that withdrawn claims 5-7, 9, 12, 14, 16 and 18 be rejoined and allowed. However, if there are any remaining issues that can be addressed by telephone, Applicant invites the Examiner to contact Applicant's counsel at the number indicated below.

Respectfully submitted,
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